

**To:** Marilyn Smith[m.smith@erllc.com]  
**Cc:** Sandoval, Joni[Sandoval.Joni@epa.gov]; Way, Steven[way.steven@epa.gov]  
**From:** Braun, Richard  
**Sent:** Wed 3/25/2015 8:19:42 PM  
**Subject:** RE: EPS81302; TO 62

Marilyn,

We've had some discussions today about the risks involved and have decided that bonding in the amount of \$ 1.0 million is adequate to protect the government's interests. We are willing to reimburse for the cost of the bonds up to that amount.

Richard Braun

Contracting Officer

EPA Region 8

p. 303-312-6380

[braun.richard@epa.gov](mailto:braun.richard@epa.gov)

**From:** Braun, Richard  
**Sent:** Wednesday, March 25, 2015 12:51 PM  
**To:** 'Marilyn Smith'  
**Cc:** Sandoval, Joni; Way, Steven  
**Subject:** RE: EPS81302; TO 62

Marilyn,

So for # 4 below: I can agree to the bond equaling the amount to cover the work of Phase 2 but not Phase 1 & 2. Of course, ER can set the bond amount for whatever it feels is needed to protect its interests; however, if that amount goes beyond what we feel is needed to protect our interests (the cost of phase 2 in this case), we may not pay for the difference.

The email you sent shows that we decided not to require bonding for task order 51. The last time this issue came up and we required bonding, I ran it thru our legal department and they had some specific advice that I printed and stuck in a folder. I will have to find it and review it Monday when I'm back in the office.

I plan to add the HWY DBA by mod when we add money for this season. At that point, all work on site should be covered by the DBA wage determination unless the SCA from contract is higher.

Thanks for your quick response and sorry I can't reciprocate on whether or not dual obligee is acceptable.

Richard Braun

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**From:** Marilyn Smith [<mailto:m.smith@erllc.com>]  
**Sent:** Wednesday, March 25, 2015 12:08 PM  
**To:** Braun, Richard  
**Subject:** RE: EPS81302; TO 62

Rich:

As of now we are drafting the RFP and internally conducting peer review as we know this will take some time.

I've attempted to answer your questions below in italics.

1) As required by the SOW, I need copies of the work plan for Phase 1 and 2.

- *The RM is currently revising the work plan, he in turn will seek OSC input/review, once finalized I will send that to you when we get a final.*

2) Did I issue the TO with the DBA incorporated or does that need to be added? (I don't access to the hardcopy file today)

- *The TO currently does not list DBA. The TO was issued 10/10/14 which was too near the end of the season to allow too much work to occur. (copy of TO attached).*

3) It would simplify things if we could use one wage scale DBA rather than two. Did we previously decide to use SCA for Phase 1 and DBA for Phase 2?

- *For the RFP I am looking to utilize the HWY DBA (copy attached) as it covers all potential categories of large equipment. But I've also provided the HEAVY DBA so you can see the difference.*

4) Bond amount should be adequate to cover Phase 2 tasks 8,9,11, and 12 as outlined in SOW under Phase 2 Tasks.

- *For the RFP bond ER's utilizes a standard 100% performance and payment bond requirement.*

5) Concerning the Obligee on the bond; we've dealt with this before on other projects and I thought the conclusion was that the government needs to be listed as the obligee?

- *The last project that we had with bonds was under TO 51 (Gold King) we issued the RFP with dual obligee of ER & EPA. Once bonds were received EPA determined that bonding was adequate with just the sub providing it (copy of that e-mail attached).*

Marilyn

**From:** Braun, Richard [<mailto:Braun.Richard@epa.gov>]  
**Sent:** Wednesday, March 25, 2015 12:17 PM  
**To:** Marilyn Smith  
**Subject:** RE: EPS81302; TO 62

Hi Marilyn,

Couple of thoughts:

- 1) As required by the SOW, I need copies of the work plan for Phase 1 and 2
- 2) Did I issue the TO with the DBA incorporated or does that need to be added? (I don't access to the hardcopy file today)
- 3) It would simplify things if we could use one wage scale DBA rather than two. Did we previously decide to use SCA for Phase 1 and DBA for Phase 2?
- 4) Bond amount should be adequate to cover Phase 2 tasks 8,9,11, and 12 as outlined in SOW under Phase 2 Tasks.

Concerning the Obligee on the bond; we've dealt with this before on other projects and I thought the conclusion was that the government needs to be listed as the obligee?

Richard Braun

Contracting Officer

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**From:** Marilyn Smith [<mailto:m.smith@erllc.com>]  
**Sent:** Wednesday, March 25, 2015 10:05 AM  
**To:** Braun, Richard  
**Subject:** EPS81302; TO 62

Hi Richard:

ER is currently preparing a draft RFP for subcontracted bulkhead work to occur later this Spring at the Red & Bonita Mine (TO 62). Work will consist of SCA & DBA.

I wanted to notify you that ER is incorporating performance and payment bonds as a mandated requirement on behalf of the subcontractor into the RFP with ER listed as the obligee.

Therefore ER does not believe additional bonding to the project will be necessary on behalf of ER.

Let me know if this is correct.

Thank you,

*Marilyn Smith*

*Program Manager*

Environmental Restoration LLC

<http://www.erllc.com/>

